

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**UNITED STATES OF AMERICA,**

**Plaintiff**

**v.**

**JAMES L. CHEESEMAN,**

**Defendant.**

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**Criminal Action No. 07-124-SLR**

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

**COMES NOW** the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Keith M. Rosen, Assistant United States Attorney, and respectfully submits the following unopposed motion to continue the sentencing in this matter for a period of approximately three (3) weeks. In support thereof, the government submits the following:

1. On February 21, 2008, defendant James L. Cheeseman pled guilty to one count of possession of a firearm by an unlawful drug user or addict, in violation of 18 U.S.C. §§ 922(g)(3), 924(a)(2). At the conclusion of the Rule 11 hearing, the Court released the defendant on secured bail with various release conditions.

2. During the Rule 11 hearing, undersigned counsel for the government advised the Court that the Memorandum of Plea Agreement accepted by the Court did not resolve the outstanding forfeiture issues in this case. If a settlement can not be reached, an evidentiary hearing on the forfeiture issues will be necessary prior to the imposition of sentence.

3. The defendant is currently represented by Joseph Hurley, Esq. Charles M. Oberly, Esq., has also been retained by the defendant's family, and has been the principal counsel for the defense with respect to the pending forfeiture issues.


4. Since the entry of the plea, the parties have been attempting to negotiate a settlement of the forfeiture claims. As of the date of this motion, a settlement has not been reached, however negotiations are ongoing. Counsel for the parties agree that additional time would be helpful to their effort to attempt to reach a resolution without further litigation.

5. Accordingly, the government respectfully requests that the Court continue the sentencing hearing for a period of approximately three (3) weeks. On May 22, 2008, Mr. Oberly was advised of the nature of this request, and represented that the defendant does not object. For the Court's information, Mr. Oberly advised that he would be unavailable on June 16-19, 2008.

**WHEREFORE**, for the reasons set forth above, the United States respectfully requests that the Court continue the sentencing hearing in this matter to permit the parties additional time to attempt to resolve the outstanding forfeiture issues.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:   
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Keith M. Rosen  
Assistant United States Attorney

Dated: May 22, 2008

**CERTIFICATE OF SERVICE**

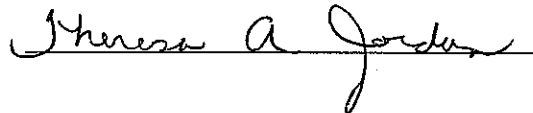
I, Theresa A. Jordan, an employee with the United States Attorney's Office, hereby certify that on May 22, 2008, I served the foregoing:

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

by causing two copies of said document to be served on counsel of record by hand delivery as follows:

Joseph A. Hurley, Esq.  
1215 King Street  
Wilmington, DE 19801

Charles M. Oberly, III, Esq.  
WolfBlock  
1100 N. Market Street  
Suite 1001  
Wilmington, DE 19801

A handwritten signature in cursive script, reading "Theresa A. Jordan", written over a horizontal line.